

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

607B0467

SENATE BILL NO. 141

Introduced by: Senators Daugaard and Brown (Arnold) and Representative Fischer-Clemens

1 FOR AN ACT ENTITLED, An Act to allow any person with the authorization of law
2 enforcement or the Department of Social Services to take photographs, videotapes, or
3 electronic images of a child if abuse or neglect is suspected.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 26-8A-16 be amended to read as follows:

6 26-8A-16. Any person ~~receiving~~ who is required to make a report or who receives a report
7 under § 26-8A-3 may require that take or cause to be taken color photographs ~~be taken~~ ,
8 videotapes, or other images of the areas of trauma visible on a child who is the subject of the
9 report and may require a radiological or other medical examination or testing of the child without
10 the consent of the child's parents, guardian, or custodian. All photographs, videotapes, or other
11 images taken pursuant to this section shall be taken by a law enforcement official or by official,
12 the Department of Social Services, or a person authorized by a law enforcement official or the
13 department. All photographs, videotapes, other images, X rays, and test results, or copies of
14 them, shall be sent to the appropriate law enforcement agency or state's attorney or to the
15 Department of Social Services. Photographs, videotapes, and other images need not be made a
16 part of the child's medical or hospital records.